

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>ALA MOHAMMAD,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>No. 07 C 6587</b>
	)	
<b>v.</b>	)	<b>Hon. Blanche M. Manning</b>
	)	<b>Judge Presiding</b>
	)	
<b>CITY OF CHICAGO,</b>	)	<b>Magistrate J. Cole</b>
	)	
<b>Defendant.</b>	)	

**JOINT MOTION FOR EXTENSION OF DISCOVERY CUT-OFF**

Plaintiff, ALA MOHAMMAD, by and through his counsel, Kevin Vodak of CAIR-CHICAGO, and Defendant, CITY OF CHICAGO, by and through its counsel, Kenneth C. Robling and Marcela D. Sanchez, respectfully requests this Honorable Court to grant an extension to the deadlines to complete discovery. In support thereof, the parties state as follows:

1. Plaintiff filed this case on November 21, 2007, alleging that he was discriminated against and harassed based on his race, national origin, and religion during his employment with the City of Chicago's Police Department and that he was retaliated against for complaining of this treatment. This case was filed pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq., and 42 U.S.C. § 1981.

2. Judge Manning referred this case to Magistrate Judge Cole for purposes of discovery and settlement on March 5, 2008. The parties submitted a Joint Status Report on April 10, 2008, which was adopted by the Court and set the following deadlines:

- a. All fact discovery ordered closed by July 31, 2008.
- b. Plaintiff's experts to be disclosed by August 22, 2008 and deposed by September 12, 2008.

- c. Defendant's experts disclosed by October 3, 2008 and deposited by October 24, 2008.

- d. Dispositive motions due September 5, 2008.

3. After the parties fully briefed Defendant's Motion to Dismiss in Part Plaintiff's Amended Complaint and engaged in written discovery, CAIR-Chicago underwent a staff change that required additional time to hire a new attorney who would take over the case. On July 7, 2008, Magistrate Judge Cole entered the following new schedule pursuant to Plaintiff's Unopposed Motion for Extension of Time for Discovery:

- a. Fact discovery deadline is September 11, 2008.

- b. Plaintiff's expert disclosure due October 3, 2008, to be deposited by October 24, 2008.

- c. Defendant's expert disclosure due November 14, 2008, to be deposited by December 12, 2008.

- d. Dispositive motions due October 17, 2008.

4. Defense counsel deposed Plaintiff on July 16, 2008, at which time Plaintiff was represented by CAIR-Chicago's Civil Rights Director. CAIR-Chicago hired Kevin Vodak as the new staff attorney on July 21, 2008. Upon review of the status of this case, Mr. Vodak determined that Plaintiff needed to supplement his written discovery responses, documents and written discovery responses needed to be secured from Defendant, and all of the depositions to be conducted by Plaintiff needed to be scheduled.

5. Plaintiff's first set of discovery requests were served on Defendant on June 26, 2008. On July 25, 2008, defense counsel requested an extension of twenty-one (21) days to tender Defendant's discovery responses, and Plaintiff's counsel agreed to this extension on the

condition that defense counsel agree to an equitable extension to the fact discovery cutoff if necessary. As a result, Defendant tendered its written discovery responses on August 18, 2008.

6. Based on the confidential nature of certain documents that the parties anticipate producing pursuant to discovery requests, counsel for the parties have prepared and discussed a proposed Protective Order, which will be submitted to this Court under separate motion. On August 22, 2008, counsel for the parties also conducted a Rule 37 conference by telephone to address any remaining issues with the parties' written discovery responses.

7. Defense counsel is continuing to investigate whether certain documents exist with respect to some of Plaintiff's discovery requests, and Defendant will produce confidential documents now that the parties have agreed to a Protective Order. In response to Defendant's request for a complete list of all physicians who treated Plaintiff from 2000 to the present, Plaintiff has supplied information regarding one treater and conducted a reasonable search to identify any other physicians.

8. To date, Plaintiff's counsel has completed the depositions of two (2) witnesses in this matter. Plaintiff estimates that he will need to depose eight (8) additional witnesses based on the persons identified in Defendant's disclosures and discovery responses.

9. Defense counsel desires to complete Plaintiff's deposition, based on supplemental materials produced after his initial session. In addition, Defendant intends to subpoena Plaintiff's treating physicians and conduct depositions of additional witnesses in this matter.

10. Counsel for the parties believe that a three (3) week extension to the fact discovery cutoff will be sufficient to produce all additional documents and complete the remaining depositions for fact discovery in this case. Due to Defendant's need to depose physicians and other witnesses relating to Plaintiff's damages, the parties believe that an

additional three (3) weeks will be sufficient to complete discovery concerning damages. The parties thus propose the following modified discovery schedule:

- a. Fact discovery deadline is October 2, 2008.
  - b. The parties will complete all discovery related to Plaintiff's damages by October 23, 2008.
  - c. Plaintiff's expert disclosure due October 24, 2008, to be deposed by November 14, 2008.
  - d. Defendant's expert disclosure due December 5, 2008, to be deposed by December 29, 2008.
  - e. Dispositive motions due November 20, 2008.
11. This Motion is made in the interests of justice and not for the purposes of delay.

WHEREFORE, the parties move this Honorable Court for the entry of an order extending the deadlines for discovery with equitable extensions granted for all other deadlines previously entered, as set forth above, or for such other relief as the Court deems necessary and proper in the public interest.

Respectfully submitted,

/s/Kevin Vodak  
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